

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Angel Rendon	Team: Team # 1	CCRB Case #: 201015182	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/26/2010 5:00 PM	Location of Incident: Ralph Avenue and Herkimer Street; en route to § 87(2)(b)	Precinct: 81	18 Mo. SOL 4/26/2012	EO SOL 4/26/2012	
Date/Time CV Reported Fri, 10/29/2010 3:58 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 11/03/2010 3:58 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. POM Diery Louis	29819	940395	081 PCT
3. POM Michael Swift	26931	931288	081 PCT
4. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Antoinette Santana	07596	939415	081 PCT
2. SGT William Meyer	04724	916221	081 PCT
3. POF Jennifer Massop	12989	945237	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: At Ralph Avenue and Herkimer Street in Brooklyn, an officer used a chokehold against § 87(2)(b)	§ 87(2)(b)
B. Officers	Force: At Ralph Avenue and Herkimer Street in Brooklyn, officers used physical force against § 87(2)(b)	§ 87(2)(b)
C. POM Michael Swift	Force: At Ralph Avenue and Herkimer Street in Brooklyn, PO Michael Swift used physical force against § 87(2)(b)	§ 87(2)(b)
D. POM Diery Louis	Force: En route to § 87(2)(b) PO Diery Louis tightly handcuffed § 87(2)(b)	§ 87(2)(b)

### Case Summary

On October 29, 2010, § 87(2)(b) called the IAB Command Center to file the following complaint. His complaint generated IAB Log #10-54475 (encl. 4a-4b) and was referred to the CCRB on November 3, 2010 (encl. 5a-5b).

On October 26, 2010, at approximately 5:11 p.m., § 87(2)(b) was stopped by PO Antoinette Santana and PO Jennifer Massop of the 81<sup>st</sup> Precinct at the intersection of Ralph Avenue and Herkimer Street in Brooklyn. § 87(2)(b) was revealed to have an active warrant. He was subsequently arrested and transported to the 81<sup>st</sup> Precinct stationhouse. At approximately 12:43 a.m., § 87(2)(b) was transported from the 81<sup>st</sup> Precinct stationhouse to § 87(2)(b) for medical treatment. The following allegations resulted:

**Allegation A – Force:** At Ralph Avenue and Herkimer Street in Brooklyn, an officer used a chokehold against § 87(2)(b)

**Allegation B – Force:** At Ralph Avenue and Herkimer Street in Brooklyn, officers used physical force against § 87(2)(b)

§ 87(2)(g)

**Allegation C – Force:** At Ralph Avenue and Herkimer Street in Brooklyn, PO Michael Swift used physical force against § 87(2)(b)

§ 87(2)(g)

**Allegation D – Force:** En route to § 87(2)(b) PO Diery Louis tightly handcuffed § 87(2)(b)

§ 87(2)(g)

### Results of Investigation

#### Civilian Statement(s)

**Complainant/Victim:** § 87(2)(b)

- § 87(2)(b) is a black male who stands 5'11", weighs 194 lbs., and has black hair and brown eyes.
- § 87(2)(b)

On November 9, 2010, § 87(2)(b) was interviewed at the CCRB (encl. 6c-6e). His statement was consistent with his original complaint, which he provided to IAB on November 3, 2010 (encl. 4a-4b), with his Notice of Claim, which he filed on November 5, 2010 (encl. 22a-22c), and with his phone statement, which he provided on November 9, 2010 (encl. 6a-6b). § 87(2)(b) provided additional details regarding his complaint in phone statements on November 10, 2010 (encl. 6h) and on November 22, 2010 (encl. 6i), § 87(2)(g)

### **CCRB Testimony**

On October 26, 2010, at approximately 5:00 p.m., while traveling eastbound on Fulton Street in Brooklyn in his black Lincoln Towncar, § 87(2)(b) observed two female officers with bags of food coming out of a restaurant between Buffalo Avenue and Ralph Avenue. § 87(2)(b) made a right onto Ralph Avenue and observed a pregnant woman, a man, and two other women attempting to catch an MTA bus. The bus left without them. § 87(2)(b) felt sympathetic for the people he saw and offered to give them a ride to the next bus stop, free of charge. The three women, but not the man, got into § 87(2)(b)'s vehicle on Ralph Avenue between Herkimer Street and Atlantic Avenue.

§ 87(2)(b) was stopped by two female officers (the same two female officers who § 87(2)(b) had observed moments ago) in a marked patrol car on the same block. PO Antoinette Santana (identified by the investigation and described as a Hispanic female standing 5'5", of chubby build, in uniform, and the operator of the patrol car) approached the driver's side window and her partner PO Jennifer Massop (identified by the investigation and described as a black female standing 5'5", of slim build, in uniform, and the recorder of the patrol car) approached the passenger side. The women in § 87(2)(b)'s car attempted to explain to the officers that he was just giving them a ride to the next bus stop as a favor. PO Santana requested § 87(2)(b)'s driver license and registration. The women got out of § 87(2)(b)'s vehicle because they were in a hurry and did not want to wait until the conclusion of the vehicle stop. § 87(2)(b) calmly complied with PO Santana's request and provided his driver license, registration, and insurance information.

The officers walked back to their patrol car. After approximately 10 minutes, the officers returned to § 87(2)(b)'s vehicle and informed § 87(2)(b) that they had to bring him back to the stationhouse. § 87(2)(b) asked why and PO Santana replied that she did not have to tell him why they had to bring him back to the stationhouse. § 87(2)(b) asked a second time what the reason was and before § 87(2)(b) could begin cooperating, PO Santana yelled, "Get out of the cab!" As § 87(2)(b) began to open his door, PO Santana grabbed § 87(2)(b) through the open driver's side window by his shirt and tie, ripping his shirt, and pulled him out of the car. PO Santana brought § 87(2)(b) to the rear of his vehicle and pushed him backwards towards the front of the patrol car, which was positioned approximately eight feet behind § 87(2)(b)'s vehicle.

PO Massop called for backup and at least six to eight officers responded to the scene. PO1 (described as a white male standing 5'8", of medium build, in his mid 30s, with short hair, and dressed in plainclothes) jumped on § 87(2)(b)'s back and grabbed him around his neck. PO1's arm was completely around § 87(2)(b)'s neck, with his forearm and elbow directly in front of § 87(2)(b)'s neck. As PO1 held § 87(2)(b) around his neck, his breathing was somewhat constricted and § 87(2)(b) lunged backward against PO1's weight to resist the grab. PO1's neck-grab lasted approximately 10 seconds. PO Massop put § 87(2)(b) into handcuffs and PO1 brought § 87(2)(b) face down onto the asphalt between § 87(2)(b)'s vehicle and the patrol car. The rest of the officers began kicking § 87(2)(b) while he laid face-down on the ground in handcuffs. Since he was laying face-down on the pavement, § 87(2)(b) could not confidently attribute specific kicks to individual officers. § 87(2)(b) suffered approximately six kicks. Then § 87(2)(b) was placed into a patrol car and transported to the 81<sup>st</sup> Precinct stationhouse. § 87(2)(b) was kicking and screaming inside the patrol car during the transport to the stationhouse. SGT Meyer (identified by the investigation and described as a Hispanic male standing 5'8", of medium build, in his mid to late 40s, in uniform, and wearing glasses) transported § 87(2)(b)'s vehicle to the stationhouse.

At the stationhouse, SGT Meyer informed § 87(2)(b) that there was an active warrant for his arrest. § 87(2)(b) was searched incident to his arrest and escorted to a holding cell. SGT Meyer visited § 87(2)(b)'s holding cell and showed him a paper but held the paper from afar and covered it so that § 87(2)(b) could

only read the year “2009” on it. § 87(2)(b) told SGT Meyer that he had a warrant dating back to 2009 but that he already received the final disposition for the case. Later, PO Santana came to § 87(2)(b)’s cell and repeated that there was an active warrant for his arrest. § 87(2)(b) told her as well that he already received his final disposition for the case in question.

For hours, § 87(2)(b) requested medical attention from officers walking back and forth in the stationhouse but he was not acknowledged until approximately 12:00 a.m. when PO Louis (identified by the investigation and described as a black male, standing 5’9”, in his mid 30s, with very short hair, and in plainclothes) came to § 87(2)(b)’s holding cell and asked him if he had requested to go to a hospital. § 87(2)(b) confirmed that he desired a medical transport. PO Louis said that it didn’t look like anything was wrong with him, and § 87(2)(b) replied that he would not know because he is not a doctor. PO Louis said, “If I have to take you to the hospital, I’m going to make your life a living hell!” § 87(2)(b) interpreted this as a threat to his physical well-being.

PO Louis left momentarily and returned (now dressed in uniform) with PO2 (described as a white male standing 5’11”, of chubby build, and in uniform) and escorted § 87(2)(b) to the hospital via an ambulance.

As PO Louis and PO3 walked § 87(2)(b) to the ambulance, both officers excessively squeezed § 87(2)(b)’s arms, which received bruises. In the ambulance, PO Louis purposefully re-tightened § 87(2)(b)’s handcuffs. EMT § 87(2)(b) (identified by the investigation and described as a Hispanic female) was seated in the back of the ambulance with PO Louis and § 87(2)(b) when this happened. EMT § 87(2)(b) (identified by the investigation and described as a black male) was the driver of the ambulance.

After approximately four hours of waiting at § 87(2)(b), § 87(2)(b) received X-rays, which revealed contusions along his back and side. § 87(2)(b) had also been involved in a traffic accident on October 14, 2010, for which he had been receiving physical therapy. During the traffic accident, § 87(2)(b) sustained injuries to his left shoulder, neck, lower back, and left knee.

In the past, § 87(2)(b) has illegally operated a taxi without a license but this was not the case for this particular incident.

### **Statements to Medical Providers**

On § 87(2)(b), eleven days prior to the incident, § 87(2)(b) was treated at § 87(2)(b). His chief complaints were left shoulder pain, lower back pain, left knee pain, as well as constant neck pain and stiffness on his right side and lower back, following a traffic accident that took place on October 14, 2010. On § 87(2)(b), § 87(2)(b) was experiencing neck pain, lower back pain, and left knee pain. On § 87(2)(b) and § 87(2)(b), § 87(2)(b) was experiencing neck pain, lower back pain, and left knee pain. On § 87(2)(b), § 87(2)(b) was experiencing neck pain, lower back pain, and left knee pain. On § 87(2)(b), § 87(2)(b) was experiencing neck pain, lower back pain, and left knee pain. On § 87(2)(b), § 87(2)(b) was experiencing neck pain, lower back pain, and left knee pain (encl. 13lll-13vvv).

Between § 87(2)(b) and § 87(2)(b), § 87(2)(b) was treated at § 87(2)(b) thirteen times. With each visit, including his visits on § 87(2)(b) and thereafter, § 87(2)(b) reported less pain to medical providers (encl. 13yyy-13xxx).

Ambulance Call Report #§ 87(2)(b) states that on October 27, 2010, at approximately 12:43 a.m., § 87(2)(b) was treated by EMTs. His chief complaint was, “My left knee hurts” and he stated that he fell (encl. 13a18-13a17).

On October 27, 2010, § 87(2)(b) s chief complaint at § 87(2)(b) was a fall and left knee pain. § 87(2)(b) also complained of pain in his shoulder (encl. 13b3-13b20).

Between § 87(2)(b) and § 87(2)(b), § 87(2)(b) sought treatment at § 87(2)(b). On § 87(2)(b), he stated that he had recently been involved in a “police scuffle,” which made his “left knee worse” (13a-13kkk).

**Witness: EMT § 87(2)(b)**

- EMT § 87(2)(b) is a § 87(2)(b) -old black male.
- On October 27, 2010, at approximately 12:43 a.m., EMT § 87(2)(b) was the operator of the ambulance that transported § 87(2)(b) from the 81<sup>st</sup> Precinct stationhouse to § 87(2)(b) in Brooklyn.

On February 1, 2011, EMT § 87(2)(b) was interviewed at the CCRB. § 87(2)(g)

**Ambulance Call Report**

EMT § 87(2)(b) transcribed § 87(2)(b) s name and contact information on Ambulance Call Report #§ 87(2)(b)

**CCRB Testimony**

EMT § 87(2)(b) and EMT § 87(2)(b) responded to a call at the 81<sup>st</sup> Precinct stationhouse at approximately 12:43 a.m. on October 27, 2010. EMT § 87(2)(b) went to the front desk of the stationhouse and obtained § 87(2)(b) s name and contact information. During this time, EMT § 87(2)(b) went to the holding cell area and rendered care to § 87(2)(b)

Outside the stationhouse, EMT § 87(2)(b) assisted in loading § 87(2)(b) into the ambulance. § 87(2)(b) was shouting, using profanity, and making physical movements that were non-compliant, which included excessive “fidgeting.” EMT § 87(2)(b) drove the ambulance to § 87(2)(b). During the transport, PO Louis was quiet and ignored § 87(2)(b). Additionally, EMT § 87(2)(b) never observed PO Louis make any adjustments to § 87(2)(b) s handcuffs.

At § 87(2)(b) § 87(2)(b) refused to exit the ambulance. PO Louis stepped back into the ambulance and said something to § 87(2)(b) which caused § 87(2)(b) to step out of the ambulance and walk into the hospital. From the outside of the ambulance, EMT § 87(2)(b) could not see what PO Louis did or hear what he said.

EMT § 87(2)(b) did not recall any visible physical injuries afflicting § 87(2)(b) nor did he recall § 87(2)(b) describing the circumstances that led to the pain in his left knee.

**Witness: EMT § 87(2)(b)**

- EMT § 87(2)(b) is a § 87(2)(b) -old Hispanic female.
- On October 27, 2010, at approximately 12:43 a.m., § 87(2)(b) was the technician during the medical transport of § 87(2)(b) from the 81<sup>st</sup> Precinct stationhouse to § 87(2)(b) in Brooklyn.

EMT § 87(2)(b) was interviewed at the CCRB on February 1, 2011 (encl. 7a-7b). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

### **Ambulance Call Report**

EMT § 87(2)(b) prepared the medical evaluation for Ambulance Call Report #§ 87(2)(b) (encl. 13a20-13b1). According to EMT § 87(2)(b) medical evaluation, § 87(2)(b)'s chief complaint was, "My left knee hurts." EMT § 87(2)(b) also concluded the following: § 87(2)(b) was breathing adequately but complaining about pain in his left knee. § 87(2)(b) stated that he fell. The physical examination revealed no dizziness, no nausea, and no vomiting. § 87(2)(b) was able to ambulate and was ambulating at the scene. No visible injuries were noted.

### **CCRB Testimony**

EMT § 87(2)(b) had minimal independent recollection of the incident. Upon her arrival at the 81<sup>st</sup> Precinct stationhouse, she immediately observed that § 87(2)(b) was very upset. He remained that way throughout the medical transport. EMT § 87(2)(b) could not recall specific statements or actions but only recalled that § 87(2)(b) was agitated and irate. EMT § 87(2)(b) conducted her medical evaluation inside of the 81<sup>st</sup> Precinct stationhouse.

EMT § 87(2)(b) did not recall § 87(2)(b) complaining at any point about being assaulted by police officers nor did she recall him attributing the pain in his left knee to anything other than a fall that he sustained. EMT § 87(2)(b) did not recall § 87(2)(b) explaining any of the circumstances surrounding his fall.

EMT § 87(2)(b) did not recall seeing PO Louis use any force against § 87(2)(b) adjust his handcuffs, or purposefully re-tighten them. There were no other officers present during the transport.

### **NYPD Statement(s):**

#### **Subject Officer: PO ANTOINETTE SANTANA**

- PO Santana is a § 87(2)(b) - old Hispanic female, who stands 5'1", weighs 130 lbs., has brown hair, and brown eyes.
- On October 26, 2010, PO Santana was in uniform and assigned to patrol 81<sup>st</sup> Precinct Sectors D, E, G, was partnered with PO Jennifer Massop in marked patrol car #4926, and worked from 3:00 p.m. to 11:35 p.m.

### **Memo Book**

PO Santana had detailed entries in her memo book regarding the incident (encl. 8a-8c). At 5:00 p.m., PO Santana noted a vehicle stop of a black Lincoln Towncar at Ralph Avenue and Herkimer Street in Brooklyn. The entry noted the name of the individual, § 87(2)(b) and his contact information. At 5:11 p.m., PO Santana's entry noted § 87(2)(b) was placed under arrest pursuant to Bench Warrant #§ 87(2)(b). At 11:00 p.m., another entry noted § 87(2)(b)'s consent to release his vehicle to an individual named § 87(2)(b). The final entry at 11:04 p.m. noted that § 87(2)(b) accepted receipt of § 87(2)(b)'s vehicle.

### **Online Booking System Arrest Worksheet**

The OLBS report prepared by PO Santana was consistent with her testimony at the CCRB (encl. 8d-8f).

### **Medical Treatment of Prisoner Report**

PO Santana noted in her memo prepared for the Medical Treatment of Prisoner Report that § 87(2)(b) was involved in an accident recently and was experiencing back pain due to his arrest (encl. 8g).

### **CCRB Testimony**

PO Santana was interviewed at the CCRB on January 19, 2011 (encl. 8h-8j). PO Santana, the driver of marked patrol car #4926, observed § 87(2)(b)'s black Lincoln Towncar, which did not have Taxi and Limousine Commission license plates, pull over in an MTA bus stop zone and pick up three or more passengers. Based on these observations, PO Santana made the decision to stop the vehicle and activated the turret lights and siren of the marked patrol car. § 87(2)(b) stopped a number of feet away and PO Santana and PO Massop approached § 87(2)(b)'s vehicle from behind. PO Santana, on the driver's side of § 87(2)(b)'s vehicle, asked the passengers if they knew § 87(2)(b) personally. The passengers informed PO Santana that they did not know him personally but had assumed that he was a licensed Livery cab operator. PO Santana ordered the passengers to disperse because § 87(2)(b) was not a licensed Livery cab operator and, turning her attention to § 87(2)(b), requested his driver's license, registration, and insurance information. § 87(2)(b) questioned PO Santana's requests, saying, "For what?" but eventually produced the documents.

PO Santana returned to the marked patrol car and discovered that § 87(2)(b) had an active bench warrant for his arrest. PO Santana could not recall if she conducted this query on the marked patrol car computer console or if she requested it over the radio. PO Santana called in a 10-85 (non-emergency) request for additional units, as a precautionary measure, before walking back to § 87(2)(b)'s vehicle. Upon her return, PO Santana informed § 87(2)(b) that there was an active bench warrant for his arrest and that he would have to exit the vehicle and be placed under arrest. § 87(2)(b) asked what the warrant was for and PO Santana replied that she did not know at the time but could inform him at the stationhouse. § 87(2)(b) raised his voice in protest and verbally refused to exit the vehicle. PO Santana ordered § 87(2)(b) out of the vehicle "quite a few times" before, through the open driver's side door (PO Santana could not recall if she opened it or if § 87(2)(b) opened it), PO Santana grabbed § 87(2)(b) by his arm with both hands and began attempting to pull him out of his vehicle. § 87(2)(b) refused to move and continuously pulled his arm back. During this struggle between PO Santana and § 87(2)(b), PO Massop called in another 10-85 request for additional units. After one to two minutes, an officer, who PO Santana could not identify, responded and assisted PO Santana in removing § 87(2)(b) from his vehicle.

Once § 87(2)(b) was moved to the rear of his vehicle, where he continued to pull his arms away and resist the handcuffing process, five to six officers had arrived and assisted in the struggle. Finally, § 87(2)(b) was brought to the ground by force with the assistance of five to six officers (PO Santana could not recall who they were), including PO Santana. PO Santana put the handcuffs on § 87(2)(b) as he lay on the ground. During the struggle, § 87(2)(b) continued shouting and asking why he was being arrested. No officer grabbed § 87(2)(b) in the area around his neck during the struggle. No officers kicked § 87(2)(b) as he lay on the ground. § 87(2)(b) sustained no visible injuries and did not request medical treatment while under PO Santana's custody.

PO Santana and PO Massop transported § 87(2)(b) to the 81<sup>st</sup> Precinct stationhouse. Inside the marked patrol car, § 87(2)(b) continued to question the validity of his arrest. At the stationhouse, PO Santana printed out a copy of the bench warrant for which § 87(2)(b) was arrested and presented it to him.

### **Subject Officer: PO JENNIFER MASSOP**

- *PO Massop is a § 87(2)(b)-old black female, who stands 5'2", weighs 120 lbs., and has black hair and brown eyes.*
- *On October 26, 2010, PO Massop was assigned to patrol 81<sup>st</sup> Precinct Sectors D, E, G, worked from 4 p.m. to 12 a.m. and was partnered with PO Antoinette Santana. PO Massop was dressed in uniform and assigned to marked patrol car #4926.*



### **Memo Book**

PO Massop had detailed entries in her memo book regarding this incident (encl. 10a-10c). On October 26, 2010, at 5:00 p.m., PO Massop noted a vehicle stop and listed § 87(2)(b)'s contact information. At 5:11 p.m., PO Massop noted one individual under arrest pursuant to Bench Warrant #§ 87(2)(b). At 5:30 p.m., PO Massop returned to the 81<sup>st</sup> Precinct stationhouse.

### **CCRB Testimony**

PO Massop was interviewed at the CCRB on February 8, 2011 (encl. 10d-10f). § 87(2)(g)

PO Massop informed the passengers that § 87(2)(b) was operating a taxi cab illegally. She could not recall how many passengers were in the vehicle. The passengers dispersed immediately because they wanted to catch a bus. PO Massop walked around the vehicle to the driver's side, where PO Santana was collecting § 87(2)(b)'s driver's license. PO Massop did not verbally engage § 87(2)(b) at that time, and they returned to their patrol car.

After § 87(2)(b) was told he had an open warrant, his demeanor was irate and he was raising his voice. However, when PO Santana ordered § 87(2)(b) out of his vehicle he complied.

§ 87(2)(b) stood outside his vehicle facing PO Massop and PO Santana. § 87(2)(b) was told to turn around and give up his hands but § 87(2)(b) refused. PO Massop issued a 10-85 call on her radio for additional units. § 87(2)(b) was repeatedly told to turn around but neither PO Massop nor PO Santana physically engaged § 87(2)(b) until they saw the first additional units arrive at the scene. § 87(2)(b)'s back was positioned against the driver's side of his vehicle and PO Santana and PO Massop were standing in front of him. Once additional units began to arrive at the scene, PO Massop and PO Santana placed their hands on § 87(2)(b)'s sides and arms, attempting to turn him around so that they could handcuff him. PO Massop and PO Santana repeatedly ordered § 87(2)(b) to give up his hands but § 87(2)(b) continued to hide his hands behind his back and resist the officers' efforts to turn him around.

Additional police officers assisted PO Massop and PO Santana in moving § 87(2)(b) to the space between the rear of his vehicle and the front of marked patrol car #4926. This movement from the driver's side of the vehicle to the rear resulted from the pushing and pulling of several officers trying to get § 87(2)(b)'s hands in a position where they could be handcuffed. PO Massop could not recall how many officers (or how many patrol cars) responded but knew that a "handful" of officers assisted in the handcuffing process. Throughout the handcuffing process, § 87(2)(b) was given commands to give up his hands and told that the officers needed his hands. PO Massop could not recall if § 87(2)(b) was ever on the ground during the handcuffing process. PO Massop could not recall if any officer ever initiated a grab of § 87(2)(b)'s neck, or if any officers ever kicked § 87(2)(b) or if any officer executed a leg sweep to gain compliance from § 87(2)(b).

PO Massop did not observe any physical injuries affecting § 87(2)(b) and did not recall § 87(2)(b) complaining of any injuries or requesting medical attention.

PO Massop recalled SGT William Meyer's presence, and other male officers being there, as well as another female officer aside from PO Santana.

**Subject Officer: SGT WILLIAM MEYER**

- *SGT Meyer is a § 87(2)(b)-old white male, who stands 5'11", weighs 225 lbs., and has brown hair, hazel eyes, and a mustache.*
- *On October 26, 2010, SGT Meyer was in uniform and assigned as a Patrol Supervisor. He was partnered with PO Michael Swift in marked patrol car #3036 and worked from 2:50 p.m. to 11:47 p.m.*

**Memo Book**

SGT Meyer had entries in his memo book regarding this incident (encl. 9a-9b). At 5:17 p.m., SGT Meyer noted that he responded to a 10-85 call for additional units by PO Santana and PO Massop in 81<sup>st</sup> Precinct sectors D, E, G at Ralph Avenue and Herkimer Street. At 5:30 p.m., SGT Meyer noted that one individual was arrested.

**CCRB Testimony**

SGT Meyer was interviewed at the CCRB on January 20, 2011 (encl. 9c-9d). § 87(2)(g)

On October 26, 2010, at approximately 5:17 p.m., SGT Meyer and PO Michael Swift, in marked patrol car #3036, responded to a 10-85 call for additional units at Ralph Avenue and Herkimer Street in Brooklyn. PO Swift parked marked patrol car #3036 behind marked patrol car #4926, to which PO Santana and PO Massop were assigned, which was parked behind § 87(2)(b)'s black Lincoln Towncar. At this time, SGT Meyer and PO Swift were the first additional officers to respond, but other officers appeared later. SGT Meyer could not estimate the amount or the identities of the additional officers. PO Santana, PO Massop, and § 87(2)(b) were positioned in the space between the rear of his vehicle and marked patrol car #4926. From a vantage point one car length behind that area, SGT Meyer observed PO Santana and PO Massop struggling to handcuff § 87(2)(b).

PO Santana had § 87(2)(b)'s left wrist handcuffed, but § 87(2)(b) was swinging that arm back and forth in order to resist the handcuffing process and "tossing" PO Santana back and forth with his arm's momentum. SGT Meyer approached § 87(2)(b) from behind and executed a sweep of § 87(2)(b)'s legs, which entailed SGT Meyer crouching, grabbing § 87(2)(b)'s legs out from behind him, and bringing § 87(2)(b) forward and face-down onto the ground. § 87(2)(b) brought his arms to his front while on the ground and continued resisting the handcuffing process. SGT Meyer assisted in pulling § 87(2)(b)'s arms back and handcuffing him. No officer grabbed § 87(2)(b) in his neck area. The struggle took place over the course of one minute.

Once § 87(2)(b) was in handcuffs, he was placed into the marked patrol car #4926 and transported to the 81<sup>st</sup> Precinct stationhouse. As he was put into the patrol car, § 87(2)(b) made repeated protests saying that the officers were wrong and that there was no active warrant for his arrest. SGT Meyer drove § 87(2)(b)'s vehicle to the stationhouse, where SGT Meyer printed out a copy of § 87(2)(b)'s active bench warrant and presented it to him in order to demonstrate that the officers were correct in arresting him. § 87(2)(b) did not complain about any injuries after being arrested or at the stationhouse.

**Subject Officer: PO MICHAEL SWIFT**

- *PO Swift is a § 87(2)(b)-old white male, who stands 6'1", weighs 220 lbs., and has a bald head and hazel eyes.*
- *On October 26, 2010, PO Swift worked from 3:00 p.m. to 11:35 p.m. and was assigned as SGT William Meyer's operator. He was dressed in uniform and was the driver of marked patrol car #3036.*

### Memo Book

PO Swift had entries in his memo book related to this incident (encl. 11a-11b). At 5:17 p.m., PO Swift noted in his memo book that there was a 10-85 request for assistance at Ralph Avenue and Herkimer Street, in Sector D of the 81<sup>st</sup> Precinct. At 5:30 p.m., PO Swift noted one individual placed under arrest by the officers assigned to Sector D of the 81<sup>st</sup> Precinct.

### CCRB Testimony

On February 17, 2011, PO Swift was interviewed at the CCRB (encl. 11c-11d). § 87(2)(g)

Upon responding to the scene, SGT Meyer exited the patrol car first, because PO Swift was driving and was slower exiting the car as a result. From the vantage point of marked patrol car #3036, which was positioned approximately ten feet away from the struggle taking place between § 87(2)(b) and PO Antoinette Santana and PO Jennifer Massop, PO Swift observed the following: PO Massop and PO Santana were gripping each of § 87(2)(b)'s arms, and § 87(2)(b) was swinging his arms back and forth, the force of which was swinging PO Massop and PO Santana back and forth "like ragdolls." PO Swift did not recall if the force of § 87(2)(b)'s resistance was lifting PO Massop or PO Santana off the ground. This struggle was taking place in the space between the rear of § 87(2)(b)'s vehicle and the front of the marked patrol car to which PO Massop and PO Santana were assigned.

SGT Meyer reached § 87(2)(b) first and brought § 87(2)(b) to the ground. As PO Swift reached § 87(2)(b) he was already falling forward to the ground. On the ground, § 87(2)(b) pulled his arms underneath his body and clenched them. PO Swift and the other officers repeatedly ordered § 87(2)(b) to expose his hands as SGT Meyer, on § 87(2)(b)'s left side, gripped § 87(2)(b)'s left arm and tried to pull it out, and PO Swift did the same with § 87(2)(b)'s right arm on his right side. Both officers were positioned on either side of § 87(2)(b) and kneeling on the ground. No officer placed his or her weight on § 87(2)(b)'s back. § 87(2)(b) continued to resist and PO Swift punched § 87(2)(b) twice with a closed fist, possibly three times, in the top right area of § 87(2)(b)'s back in order to gain compliance with the handcuffing process. PO Swift cited his inability to see where § 87(2)(b)'s hands were while they were underneath him or what they were reaching for, possibly a knife or a gun, as the reasoning behind punching § 87(2)(b) in the back in order to gain compliance. § 87(2)(b) complied and SGT Meyer and PO Swift placed him in handcuffs. No other force was used to gain compliance with the handcuffing process aside from pulling § 87(2)(b)'s arms and the two to three punches that PO Swift delivered to § 87(2)(b)'s back. At no point did any officer execute a grab of § 87(2)(b)'s neck area or place him in a chokehold. The entire struggle took place in a matter of seconds.

Two to four other officers responded to the scene. PO Swift could not independently recall their names. Reviewing the 81<sup>st</sup> Precinct roll call for tour three of October 26, 2010 did not refresh PO Swift's memory, and he did not recall seeing any plainclothes officers at the scene. None of the other officers who responded to the scene played any role in subduing and handcuffing § 87(2)(b).

§ 87(2)(b) did not complain of any injuries or request medical attention in the presence of PO Swift. Additionally, PO Swift did not observe any visible injuries to § 87(2)(b).

**Subject Officer: PO DIERY LOUIS**

- *PO Louis is a § 87(2)(b)-old black male, who stands 5'10", weighs 198 lbs., has black hair, and brown eyes.*
- *On the morning of October 27, 2010, PO Louis was assigned to transport prisoner § 87(2)(b) to § 87(2)(b) in Brooklyn. He was dressed in uniform and worked from 12:15 a.m. to 7:50 a.m.*

**Memo Book**

PO Louis noted that he requested one hour of lost time and started his tour at 12:15 a.m. He had one memo book entry related to this incident, noting that at 12:15 a.m. on October 27, 2010, he was assigned to a prisoner (encl. 12a-12c).

**CCRB Testimony**

PO Louis was interviewed at the CCRB on January 25, 2010 (encl. 12d-12e). On October 27, 2010, at approximately 12:15 a.m., PO Louis reported for duty at the 81<sup>st</sup> Precinct stationhouse and was immediately assigned the custody of prisoner § 87(2)(b) under the authority of the desk sergeant on duty. The desk sergeant informed PO Louis that § 87(2)(b) was an emotionally disturbed person and that he had requested medical attention. From the front desk area of the stationhouse, PO Louis could already hear § 87(2)(b)'s raised voice emanating from the holding cells.

PO Louis, alone, went to the holding cells and called out § 87(2)(b)'s name. § 87(2)(b) initially ignored PO Louis, and then started yelling and cursing about unidentified officers who had beat him earlier in the day. PO Louis placed § 87(2)(b) in handcuffs and walked him out of the stationhouse to the ambulance.

As PO Louis brought § 87(2)(b) into the ambulance, § 87(2)(b) complained about the tightness of the handcuffs. PO Louis placed his index finger in between the rim of the handcuffs and one of § 87(2)(b)'s wrists to check and demonstrate the appropriate tightness of the handcuffs. Aside from handcuffing § 87(2)(b) in the holding cells, performing this test with his index finger, and later, when PO Louis handcuffed and shackled § 87(2)(b) to a hospital bed, PO Louis never touched § 87(2)(b)'s handcuffs or purposefully re-tightened them. Before loading § 87(2)(b) into the ambulance, § 87(2)(b) did not receive medical attention, because he was trying to "fight" EMT § 87(2)(b). EMT § 87(2)(b) who rode in the rear of the ambulance, had to explain to § 87(2)(b) that she was not a police officer and stand at a distance while PO Louis secured § 87(2)(b) into the ambulance.

PO Louis activated a digital recording on his cell phone and recorded various statements that § 87(2)(b) made during his transport from the stationhouse to § 87(2)(b). The cell phone was located in his vest pocket. PO Louis' reason for recording § 87(2)(b) was his early awareness that § 87(2)(b) was an emotionally disturbed person and the unpredictability of the statements and actions of such individuals. PO Louis played the audio recording during his interview; it begins approximately 9 minutes and 15 seconds into the interview recording. The majority of statements are unintelligible. § 87(2)(b) is repeatedly heard complaining of being treated like an animal, complaining about his arrest, using profanity, calling PO Louis a piece of dirt, and accusing PO Louis of making his life "a living hell." The audible statements are interspersed with lengthy periods of only background noise and no speaking. The audio recording is paused at 13 minutes and 26 seconds and continues at 13 minutes and 28 seconds. When the recording continued, § 87(2)(b) is heard telling PO Louis that he is acting like an asshole. There is another pause at 14 minutes and 13 seconds. The audio recording resumes at the point where PO Louis is attempting to lead § 87(2)(b) from the ambulance to the hospital. § 87(2)(b) is heard repeatedly telling PO Louis not to push him and not to treat him like an animal. The audio recording ends at 17 minutes and 1 second.

PO Louis stated that he paused the recording when he left the holding cell area to obtain the key to the cell and during a conversation with his duty captain at § 87(2)(b) PO Louis could not recall who the duty captain was but specified that he was not assigned to the 81<sup>st</sup> Precinct but was assigned to a borough-wide command instead.

Once the ambulance arrived at § 87(2)(b) PO Louis attempted to escort § 87(2)(b) inside. § 87(2)(b) still in handcuffs, began walking away from the hospital entrance, which caused PO Louis to turn § 87(2)(b) around and push § 87(2)(b) along toward the hospital entrance. PO Louis observed an unidentified officer at the entrance, who he asked to stand behind him and § 87(2)(b) just in case § 87(2)(b) made an attempt to escape. Inside the hospital, PO Louis handcuffed and shackled § 87(2)(b) to a hospital bed because § 87(2)(b) was still behaving disorderly.

After § 87(2)(b) was released from the hospital, PO Louis transported him back to the 81<sup>st</sup> Precinct stationhouse. At § 87(2)(b)'s request, PO Louis purchased him a soda and a cookie from a vending machine. PO Louis specified that he never verbalized any threats of force at § 87(2)(b) and specifically did not threaten to make § 87(2)(b)'s life a living hell.

### **Medical Records**

§ 87(2)(b)

On § 87(2)(b), a § 87(2)(b) Initial Examination Report noted the following: On § 87(2)(b), § 87(2)(b) sustained injuries to his neck, lower back, and left knee. A physical examination revealed that § 87(2)(b) was in moderate distress due to the pain and discomfort of the central and lower spine and his left knee.

§ 87(2)(b)'s cervical spine had tenderness at the C3-C7 levels with decreased range of motion and neck pain and stiffness. There was tenderness in the thoracic spine at the 2, 3, 5, 11, and 12 levels with spasms in the right and left structures. Examination of the upper extremities was normal. Examination of the lower extremities revealed tenderness in § 87(2)(b)'s left knee. The diagnostic impression revealed the following: a sprain or strain of the central and lower spine and left knee (encl. 13a-13kkk).

§ 87(2)(b)

On § 87(2)(b), eleven days prior to this incident, a § 87(2)(b) Initial Evaluation report revealed the following: On § 87(2)(b), § 87(2)(b) was involved in a motor vehicle accident. Symptoms began two hours after the accident, but § 87(2)(b) did not go to a hospital. The diagnosis consisted of the following: Lumbar disc herniation, lumbalgia, and lumbar sprain/strain, cervical disc herniation, cervicgia, and whiplash injury, and left knee derangement.

Semi-daily notes completed for § 87(2)(b)'s examinations at § 87(2)(b). noted the following between § 87(2)(b) and § 87(2)(b): On § 87(2)(b), § 87(2)(b) received X-rays for his spine. On § 87(2)(b) and § 87(2)(b), § 87(2)(b)'s condition had not changed. On § 87(2)(b), § 87(2)(b)'s condition was exhibiting slow improvement. On § 87(2)(b), § 87(2)(b)'s condition exhibited no change. On § 87(2)(b) 0, § 87(2)(b)'s condition was exhibiting slow improvement, and § 87(2)(b)'s observations remained the same through § 87(2)(b) (encl. 13lll-13vvv).

§ 87(2)(b)

Between § 87(2)(b) and § 87(2)(b), § 87(2)(b) received treatment at § 87(2)(b). At his initial examination, his symptoms were neck pain, shoulder blade pain, upper back pain, lower back pain, and knee pain. The initial diagnosis was a cervical spine sprain, a thoracic sprain, left shoulder pain, and left knee pain (encl. 13yyy-13a17).

### ***FDNY Pre-Hospital Care Report***

According to FDNY Ambulance Call Report #§ 87(2)(b) (encl. 13a20-13b1), EMT § 87(2)(b) and EMT § 87(2)(b) received the call on October 27, 2010 at 12:40 a.m. and arrived at the scene on 12:43 a.m. § 87(2)(b) was under the custody of PO Louis. § 87(2)(b) was breathing adequately. The physical examination revealed no dizziness, no nausea, and no vomiting. § 87(2)(b) was able to ambulate and was ambulating at the scene. No injury was noted.

§ 87(2)(b)

According to medical records obtained from § 87(2)(b) in Brooklyn (encl. 13b3-13b20), § 87(2)(b) arrived at the hospital at 1:24 a.m. on October 27, 2010. The assessment by the § 87(2)(b) Emergency department was that a fall caused the left knee pain. § 87(2)(b) was ambulatory. There was bruising on his left shoulder.

The radiology department determined the following from § 87(2)(b)'s X-ray film: The indications were an accidental fall on or from other stairs or steps. Regarding § 87(2)(b)'s left knee, "The bones [were] normally aligned without a fracture or dislocation. No evidence of an effusion or joint space narrowing." Regarding § 87(2)(b)'s left shoulder, "Three views demonstrated normal alignment without fracture or dislocation. The joints are normal and there are no soft tissue calcifications. No fracture seen." Regarding his cervical spine, "There is preservation of the curve without fracture or subluxation. The disc spaces are normal... No evidence of prevertebral soft tissue swelling."

§ 87(2)(b)

On § 87(2)(b), § 87(2)(b) received radiographs of his cervical spine. The radiographs demonstrated no evidence of fracture or facet malalignment. There was no significant prevertebral soft tissue swelling. The cervical alignment was maintained. The radiographs were unremarkable. The indication was trauma and pain (encl. 13www-13vvv).

§ 87(2)(b)

On § 87(2)(b), § 87(2)(b) received medical care at § 87(2)(b). § 87(2)(b) was diagnosed with intermittent dull aching pain in his cervical spine, left shoulder, and left knee (encl. 13c1-13c5).

§ 87(2)(b)

On § 87(2)(b), at § 87(2)(b) § 87(2)(b) received an MRI of his cervical spine (encl. 13c6).

### ***New York Motor Vehicle No-Fault Insurance Law Verification of Treatment Forms***

A § 87(2)(b) New York Motor Vehicle No-Fault Insurance Law Verification of Treatment Form revealed the following: The diagnosis was a cervical sprain and strain, a lumbar sprain/strain, and a left knee sprain/strain. § 87(2)(b) noted on the form that § 87(2)(b)'s injuries were solely a result of the vehicle accident. § 87(2)(g)

(13a-13kkk).

## **NYPD Document(s)**

### ***SPRINT #T10593***

At 5:00 p.m. on October 26, 2010, sector D called Central regarding a suspicious vehicle outside. At 5:05 p.m. and 5:07 p.m., sector D called for additional units. At 5:07 p.m., a conditions auto team arrived at the scene. At 5:08 p.m., there was another call for additional units. At 5:09 p.m., an ESU small truck arrived at the scene. At 5:09 p.m., the conditions team called for no further units to the location. At 5:11 p.m., all members of service were accounted for and there were no injuries. At 5:11 p.m., there was one person under arrest by sector D. At 5:13 p.m., the ESU small truck gave a disposition of non-crime corrected. At 5:19 p.m., the conditions auto team resumed patrol. At 5:41 p.m., a vehicle from the 83<sup>rd</sup> Precinct, S2685, resumed patrol. At 5:42 p.m., a sergeant resumed patrol. At 11:43 p.m., sector D had a final disposition of a crime arrest (encl. 14a-14d).

### ***SPRINT #W00382***

At 12:38 a.m. on October 27, 2010, the 81<sup>st</sup> Precinct called for an ambulance for a sick prisoner. The ambulance arrived at 12:42 a.m. At 12:57 a.m., the ambulance arrived at § 87(2)(b) (encl. 14e).

### ***81<sup>st</sup> Precinct Roll Call***

According to the 81<sup>st</sup> Precinct roll call, two black male officers were assigned to patrol car #2635. Because the subject officer was described as a white male, patrol car #2635 was ruled out as a possibility (encl. 15a-15i).

### ***83<sup>rd</sup> Precinct Daily Vehicle Assignment Sheet***

According to the 83<sup>rd</sup> Precinct daily vehicle assignment sheet, there was no patrol car #2685 on duty. There was a patrol car #2695, which is a similar number, but it was allocated to summons enforcement at the time of this incident. § 87(2)(g) (encl. 17a).

### ***ESU Report #10862***

According to a log of ESU jobs on October 26, 2010, ESU job #10862 for this incident was classified as “5A,” which means the job was cancelled and no ESU report exists because they did not play a role in this incident (encl. 20a).

### ***Fleet Services***

A request to Fleet Services for the command assignment of any patrol car identified by number 2685 or any similar number concluded that no such patrol car exists at any command (encl. 26l).

## **Arrest for Incident and Disposition**

§ 87(2)(b), § 87(2)(a) 160.50, § 87(2)(c)

## **Status of Civil Proceedings**

§ 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b) claiming the following: false arrest; negligent training, supervision, hiring, and retention of police officers; illegal search and seizure; loss of liberty; loss of civil rights and Constitutional rights; emotional distress; assault, battery; excessive force; false imprisonment; and negligence (encl. 22a-22c).

### Civilian(s) Criminal History

§ 87(2)(b), § 87(2)(c)

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

### Civilian(s) CCRB History

- § 87(2)(b) has filed the following CCRB complaints (encl. 3a):

- § 87(2)(b)

### Subject Officer(s) CCRB History

- PO Michael Swift has been a member of the service for eight years and there are no substantiated CCRB allegations against him (encl. 1a).
- PO Diery Louis has been a member of the service for five years § 87(4-b), § 87(2)(g)

- § 87(4-b), § 87(2)(g)

### Conclusion

### Identification of Subject Officer(s)

The investigation was unable to identify the subject officer involved in the alleged chokehold. § 87(2)(b) 1) Although § 87(2)(b) alleged that an officer in plainclothes placed him in a chokehold, the SPRINT did not indicate that any plainclothes units responded to the incident. 2) The SPRINT did indicate that a unit designated 83S2685 responded to the scene; however, the daily vehicle assignment sheet of the 83<sup>rd</sup> precinct had no record of the car, and Fleet Services had no record of a patrol car bearing the number 2685 at any command within the NYPD. 3) Due to the proximity of the incident to the shared border of the 81<sup>st</sup>, 73<sup>rd</sup>, and 83<sup>rd</sup> Precinct as well as the possibility that a borough-wide command (Brooklyn North Vice, Gang, Narcotics, or Anti-Crime) had plainclothes units working in the vicinity, there were potentially dozens of white male officers dressed in plainclothes on duty in the area. § 87(2)(g)

The investigation was also unable to identify the subject officers involved in the alleged kicks delivered to § 87(2)(b)'s back. § 87(2)(g) 1) When the alleged kicks were delivered to § 87(2)(b)'s torso, he was lying face-down on the ground. This prevented him from being able to provide any physical descriptions of the subject officers or even being able to attribute individual blows to specific officers. 2) The majority of the officers who responded according to the SPRINT were interviewed and all of their statements were consistent in not recalling or stating that no officers at the



scene engaged in the force that § 87(2)(b) described. The only exception was PO Swift, who took full responsibility for all of the blunt force delivered to § 87(2)(b)'s back, but denied kicking him. 3) Given that a 10-85 was called over the radio, a high volume of officers responded over the radio, as well as a potentially high number of officers from multiple commands who responded without using their radios, further interviews would not have identified the entirety of the officers who were at the incident. § 87(2)(g)

### **Allegations Not Pleaded**

§ 87(2)(b) alleged that his shirt was ripped as he was pulled out of his vehicle. § 87(2)(g)

### **Investigative Findings and Recommendations**

#### **Allegation A – Force: At Ralph Avenue and Herkimer Street in Brooklyn, an officer used a chokehold against § 87(2)(b)**

The investigation was unable to identify the subject officer of this allegation. As was discussed in the Identification of Subject Officers section, the SPRINT did not indicate that a plainclothes unit responded to the scene. § 87(2)(g)

#### **Allegation B – Force: At Ralph Avenue and Herkimer Street in Brooklyn, officers used physical force against § 87(2)(b)**

The investigation was unable to identify the subject officers of this allegation. As was discussed in the Identification of Subject Officers section, although PO Swift took responsibility for the only blunt force delivered to § 87(2)(b)'s body, § 87(2)(b) reported that several officers, who he could not see, kicked him six times. § 87(2)(b) was unable to provide a number of officers engaging in the force or attribute individual blows to individual officers. § 87(2)(g)

#### **Allegation C – Force: At Ralph Avenue and Herkimer Street in Brooklyn, PO Michael Swift used physical force against § 87(2)(b)**

It is undisputed that PO Michael Swift struck § 87(2)(b) more than once in his back while he lay face-down on the ground near the intersection of Ralph Avenue and Herkimer Street in Brooklyn. The following facts remain disputed: whether § 87(2)(b) was already handcuffed before the use of physical force; whether § 87(2)(b) was physically resisting; the quantity of the blows delivered; and the number of individuals striking § 87(2)(b)

According to § 87(2)(b) in the space between the rear of his vehicle and a marked patrol car, an unidentified officer placed him in a chokehold for approximately ten seconds. During this time, he was successfully handcuffed by PO Massop, and then pushed forward to the ground by the same officer who had him in a chokehold. As he lay face-down and handcuffed on the asphalt, § 87(2)(b) felt what he believed to be a number of officers kick him in the back and sides approximately six times in total.

According to all of the officers interviewed, § 87(2)(b) physically resisted the handcuffing process. PO Massop and PO Santana stated that several officers assisted in subduing and handcuffing § 87(2)(b) but denied that any officers ever kicked § 87(2)(b) while he was lying on the ground. SGT Meyer acknowledged executing a leg-sweep to bring § 87(2)(b) forward and down to the ground but also denied that any officers kicked § 87(2)(b). PO Swift acknowledges striking § 87(2)(b) in the right shoulder blade two, potentially three, times in order to get § 87(2)(b) to provide his hands in order to be handcuffed. PO Swift cited the need to effect the arrest, § 87(2)(b)'s physical resistance, and the possibility that § 87(2)(b) was reaching for a weapon as he hid his hands underneath his body as factors that led him to punch § 87(2)(b)'s shoulder blade. All of the officers were consistent in stating that § 87(2)(b) was handcuffed after this physical struggle continued onto the ground and not while he was standing and that the force ceased once § 87(2)(b) was in handcuffs. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation D – Force: En route to § 87(2)(b) PO Diery Louis tightly handcuffed**

§ 87(2)(b)

It is undisputed that PO Diery Louis, EMT § 87(2)(b) and EMT § 87(2)(b) transported § 87(2)(b) to § 87(2)(b) in Brooklyn on October 27, 2010. The following facts surrounding this medical transport remain disputed. According to § 87(2)(b) while the ambulance was en route to § 87(2)(b) PO Louis purposefully re-tightened his handcuffs while he, § 87(2)(b) and EMT § 87(2)(b) were seated in the rear of the ambulance.

According to PO Louis, § 87(2)(b) was irate and verbally combative throughout his medical transport as well as physically resistant to EMT § 87(2)(b) attempts to render medical care. Additionally, during his interview at the CCRB, PO Louis played a digital audio recording, which featured § 87(2)(b) lodging various complaints and threats at police officers in general, PO Louis, and his family. § 87(2)(b)'s voice on the recording sounded highly irate and belligerent. PO Louis testified that he never re-tightened § 87(2)(b)'s handcuffs; on the contrary, in response to § 87(2)(b)'s complaints regarding the tightness of the handcuffs, PO Louis fit a finger in between the handcuffs and one of § 87(2)(b)'s wrists in order to demonstrate that the handcuffs were appropriately tight.

EMT § 87(2)(b) had minimal independent recollection of the medical transport of § 87(2)(b). She could not recall if PO Louis ever re-tightened § 87(2)(b)'s handcuffs. EMT § 87(2)(b) specified that PO Louis never re-tightened § 87(2)(b)'s handcuffs and corroborated PO Louis's statements regarding § 87(2)(b)'s disorderly behavior. However, EMT § 87(2)(b) was the driver of the ambulance § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Team: \_\_\_\_\_

:

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date